

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Tito Knox,)	C/A No. 6:17-713-HMH-PJG
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
Elena Klimbal, <i>PMHNPPC</i> , Officer Graham,)	
)	
Defendants.)	
_____)	

The plaintiff, Tito Knox, proceeding *pro se*, originally brought this action to 42 U.S.C. § 1983 against the defendants in March 2015. Plaintiff's Complaint was summarily dismissed without prejudice and without service of process for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915. (ECF Nos. 14 & 17.)

This matter is now before the court on remand from the United States Court of Appeals for the Fourth Circuit. The Fourth Circuit instructed the court to allow Plaintiff to file an amended complaint. (ECF No. 28.) By order dated August 23, 2017, Plaintiff was provided twenty days to file an amended complaint in this case, and the matter was referred to the assigned magistrate judge. (ECF No. 29.) The deadline provided by the August 23 order has passed and Plaintiff has not filed an amended complaint or responded to the order. Therefore, Plaintiff has failed to prosecute this case, and the court recommends that Plaintiff's case should be dismissed **with prejudice** pursuant to Rule 41 of the Federal Rules of Civil Procedure. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962); Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989).

September 25, 2017
Columbia, South Carolina


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

Plaintiff's attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).